

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-1221

Application of Lake Champlain Transportation for)
a certificate of public good for an interconnected)
group net metered wind turbine)

Order entered: 2/8/2011

I. INTRODUCTION

This case involves an application initially filed by Lake Champlain Transportation ("Applicant") on August 26, 2010, requesting a certificate of public good ("CPG") pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100 for a net metering system. The application, as subsequently amended, is for a group net metering system that utilizes a wind turbine and includes seven electric meters.

Notice of the application in this docket was sent to all parties as specified in the Board's Rule 5.100. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) days of the date that the notice of the application was sent.

On September 14, 2010, the Applicant filed an amendment to the application to reflect that the project will be group net metered.

On September 16, 2010, Vermont Electric Cooperative, Inc. ("VEC"), the serving utility, requested that the comment period be extended for an additional 30 days to October 25, 2010. This comment-period extension was granted.

On October 25, 2010, the Board issued a memorandum indicating that the application was still incomplete and requesting additional information. The memorandum required the Applicant to submit a complete and revised application.

On October 29, 2010, the Applicant submitted a complete and revised application.

On November 15, 2010, VEC filed comments on the proposed project. VEC stated that it has no objection to the project and that it supports the issuance of a CPG. VEC also sought a

waiver of Board Rule 5.105(f), which requires that the interconnecting utility issue a single aggregate monthly bill to the designated group contact person.

On November 16, 2010, Board staff convened a workshop to address questions regarding the application, the group structure, and VEC's waiver request.

On November 17, 2010, the Applicant filed an amendment to the application, in the form of an email, to reflect a change to the group members, and stating that all parties have agreed to waive comment on the amended application.

On November 17, 2010, VEC filed a letter withdrawing its November 15 request for waiver of Board Rule 5.105(f).

On November 29, 2010, the Applicant filed an amended petition to reflect the correct project location, in Grand Isle rather than South Hero, Vermont, as had been previously stated. The Applicant also identified, and provided notice to, additional abutting landowners that had not previously received notice of the project. The Applicant attested that all parties had again waived comment on the amended application, and that the newly identified adjoining landowners had not waived comment on the application.

On December 13, 2010, the Board received a filing from one of the newly identified adjoining landowners. The filing comprised a copy of a letter to the Town of Grand Isle Development Review Board, in which the landowner requested that the Town demand a public hearing and apply for interested party status in this proceeding.

On December 27 and 29, 2010, the Board received three letters from homeowner members of the Westside Homeowner's Association ("Westside homeowners"). Each homeowner requested a hearing.

No other comments have been received.

The Board has reviewed the application and accompanying documents and agrees that, pursuant to 30 V.S.A. §§ 219a and 248 and the Board's Rule 5.100, a CPG should be issued without further investigation or hearing.

II. FINDINGS

Based upon the application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed group net metering project will be located on property owned by the Applicant at 1268 Gordons Landing in Grand Isle, Vermont. Application of November 29, 2010, at Section 1.

2. The wind turbine has a tower height of 121 feet and a rotor diameter of 69 feet. Application of November 29, 2010, at Section 5.

3. The proposed group system consists of a wind turbine with a total power output of 100 kW AC. The facility will be interconnected with the VEC electrical distribution system. Application of November 29, 2010, at Section 5 and attachments.

4. Applicant has specified the meters to be included in the group system by account number and location. Applicant has also provided a method for adding or removing meters included in the group system. Application of November 29, 2010, at Section 7 and attachments.

5. Applicant has designated Russell Fox as the person responsible for receiving all communications regarding the group system. Application of November 29, 2010, at Section 7.

6. All disputes among users of the group system will be resolved by the Applicant. Application of November 29, 2010, at Section 7.

7. Applicant has certified that the project is in compliance with all of the provisions of Sections 3 and 8 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248. Application of November 29, 2010, at Sections 3 and 8 and Attachments.

8. Applicant has certified compliance with the insurance requirements as set forth in Section 3 of the application. Application of November 29, 2010, at Section 3.

III. DISCUSSION AND CONCLUSION

Boar Rule 5.109(A) provides that the Board may hold a hearing for a net metering system when it determines that the system raises a substantive issue with respect to one or more of the criteria of 30 V.S.A. § 248. Pursuant to the Board's Order of April 19, 1999, in Docket No. 6181, *"Investigation into the Use of a Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies,"* parties with objections or concerns must make a showing that the application raises a significant issue with respect to one or more substantive criteria applicable to the proposed net metering system. Accordingly, the Net Metering Application Form states that persons requesting a hearing regarding a net metering project "must make a showing that the application raises a significant

issue regarding one or more of the substantive criteria applicable to the proposed net metering system."¹

In their letters regarding the application, the Westside homeowners each submitted the following as the reason for requesting a hearing:

As an adjoining landowner to the proposed erection by LCT of a 100kW WIND TURBINE on the shores of Lake Champlain, I do have concerns.

The letters provide no further information regarding the specific concerns raised by the proposed project or any explanation as to whether the proposed project is inconsistent with the applicable § 248 criteria. Therefore, we conclude that the Westside homeowners have failed to make a showing that the application raises a significant issue regarding one or more of the substantive criteria applicable to the proposed net metering system, and therefore have not provided the Board with sufficient cause to hold a hearing.

Furthermore, the Board on its own initiative carefully evaluated whether the application raises a significant aesthetic issue, given the proximity of the proposed wind turbine to Lake Champlain. The Board sought and received supplemental information from the Applicant, and solicited comments on the aesthetic impacts from the Vermont Department of Public Service and the Vermont Agency of Natural Resources. The supplemental information from the State agencies' comments have satisfied us that the proposed project will not have an undue aesthetic impact.

In Docket No. 6181,² the Board developed a net metering program in accordance with the statutory requirements of 30 V.S.A. § 219a. This program was further refined by the Board with the adoption of Board Rule 5.100. The goals of the Order and Rule are to encourage private investment in renewable energy resources, stimulate the economic growth of the state and enhance the continued diversification of energy sources used in Vermont. The standards and requirements adopted in the Order and Rule have been determined by the Board to protect public safety and system reliability.

1. State of Vermont Public Service Board Application for a Certificate of Public Good for Interconnected Net Metered Power Systems, at 1. The adjoining landowners and other entities specified in Board Rule 5.100 received a copy of the application form for this project.

2. *Investigation into the Use of A Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies*, Docket No. 6181, April 21, 1999.

Based upon the findings and evidence, the proposed net metering project will be in compliance with the requirements of the Board's Order in Docket No. 6181 and Rule 5.100, the application does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the group net metering system, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 219a, and a certificate of public good to that effect shall be issued in this matter, pursuant to 30 V.S.A. §§ 219a and 248.

DATED at Montpelier, Vermont, this 8th day of February, 2011.

<u>s/ James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/ David C. Coen</u>)	
)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: February 8, 2011

Attest: s/ Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.